(3)

IN THE HIGH COURT OF JUDICATURE MADHYA PRADESH: JABALPUR

W.P. NO. 1573 OF 1997

(PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA)

PETITIONER : AVADHRAM, aged about 37 yrs.
son of Ramprit
G- Cabin,Bhilai, Charoda BMY.
Bhilai, Distt. Durg (MP)

Versus.

REPONDENTS :

1. Union of India,
   Through Secretary,
   Ministry of Labour,
   Govt. of India, New Delhi.

2. General Manager,
   S.E. Railway, Garden Reach,
   Calcutta.

3. The Divisional Railway Manager,
   S.E. Railway, Bilaspur.

PETITION UNDER ARTICLE 226 & 227
OF THE CONSTITUTION OF INDIA.

(43)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1573 OF 1997

Petitioner : Avadhram

versus

Respondents : Union of India and others

Present : Mr. Vinod Deshmukh, counsel for the petitioner.
Ms. Sharmila Singhai, counsel for respondent No.1.
None appears for respondents No.2 and 3.

ORAL ORDER
(Passed on 26th of July, 2006)

The petitioner was appointed as Gangman along with several other persons. Services of the petitioner were terminated by order dated 13-5-1990. Learned counsel appearing for the petitioner submits that the Central Government has declined reference of the industrial dispute raised by the petitioner along with others to the Central Government Industrial Tribunal, when in other cases, which were similarly situated and their appointments were made on the basis of same facts, the disputes were referred to the Central Government Industrial Tribunal. Learned counsel for

the petitioner, in support of his submission, relies on paragraph 5.5 of the petition quoted herein below :

> **Para 5.5** : "Apart from this, the Central Govt. has acted in total violation of the principles of equality because along with the petitioner services of many other employees were terminated in similar grounds. Identical questions has been referred for adjudication in the following cases :-
>
> 1) Order No.41012/34/92 dt. 21.7.93 – Kailash Rao.
>
> 2) Order No.41012/26/92-IR(DU) dt. 6.8.96 Sri D. Venkatraman.
>
> 3) Order No.41012/24/92-IR(DU) dt. 6.8.96 – P. Venkatswamy.
>
> 4) L-41012/73/92 IR(DU) – P. Rama Rao.
>
> 5) L-41011/71/92 – IRB1 – dt. 20.12.96 – Sagir Ali and 9 others.
>
> A sample copy of one of the order of reference is marked as Anenxure-P/4. In the aforesaid cases also the services were terminated for obtaining services by false card and without conducting enquiry. On disputes being raised the Central Govt. referred these cases for adjudication to the Central Govt. Industrial Tribunal and the matters are pending. However, without any justification the petitioner has only being discriminated upon and his reference has been refused."

2. Despite notice none appears for respondents No.2 and 3.

3. Learned counsel Ms. Sharmila Singhai, appearing for respondent No.1, submits that the facts and circumstances of the case are

distinct and different, without specifying as to what was the difference in the present case and in other similarly situated cases. Reply of respondent No.1 is bereft of materials.

4. After hearing learned counsel for the parties and perusing the records, it appears that the case of the petitioner has been singled out for non-reference to the Central Government Industrial Tribunal when cases of other similarly situated persons have been referred for adjudication to the Central Government Industrial Tribunal.

5. For the reasons aforementioned, this petition is allowed and respondent No.1 is directed to refer the matter to the Central Government Industrial Tribunal for adjudication of the industrial disputes raised therein as early as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Certified copy as per rules.

Sd/-
SATISH K. AGNIHOTRI
Judge

Gopal